



## **DIVERSION/DISCIPLINE COMMITTEE MEETING**

### **AGENDA**

**Ayres Hotel & Suites  
325 Bristol Street  
Costa Mesa, CA 92626  
(714) 429-9372**

**January 9, 2013**

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**Wednesday, January 9, 2013 – 9:00 a.m. to 10:00 a.m.**

**8.0 Review and Approve Minutes:**

- October 30, 2012

**8.1 Complaint Intake and Investigations Update**

**8.2 Discipline and Probation Update**

**8.3 Enforcement Statistics**

**8.4 Diversion Program Update and Statistics**

**8.4.1 Diversion Evaluation Committee Member Transfer(s)**

**8.4.2 Diversion Evaluation Committee Member Resignation(s)**

**8.5 Public Comment for Items Not on the Agenda**

**NOTICE:**

All times are approximate and subject to change. Items may be taken out of order to maintain a quorum, accommodate a speaker, or for convenience. The meeting may be canceled without notice. For verification of the meeting, call (916) 574-7600 or access the Board's Web Site at <http://www.rn.ca.gov>. Action may be taken on any item listed on this agenda, including information only items.

Public comments will be taken on agenda items at the time the item is heard. Total time allocated for public comment may be limited.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Administration Unit at (916) 574-7600 or email [webmasterbrn@dca.ca.gov](mailto:webmasterbrn@dca.ca.gov) or send a written request to the Board of Registered Nursing Office at 1747 North Market #150, Sacramento, CA 95834. (Hearing impaired: California Relay Service: TDD phone # (916) 322-1700). Providing your request at least five (5) business days before the meeting will help to ensure the availability of the requested accommodation.

Board members who are not members of this committee may attend meetings as observers only, and may not participate or vote. Action may be taken on any item listed on this agenda, including information only items. Items may be taken out of order for convenience, to accommodate speakers, or maintain a quorum.



## **DIVERSION/DISCIPLINE COMMITTEE MINUTES**

**DATE:** October 30, 2012

**SITE:** Doubletree by Hilton, Berkeley Marina  
200 Marina Blvd.  
Berkeley, CA 94710

**MEMBERS PRESENT:** Cynthia Klein, RN, Chair  
Michael Jackson, BSN, RN

**MEMBER ABSENT:** Raymond Mallel

**STAFF PRESENT:** Louise Bailey, M.Ed., RN, Executive Officer  
Stacie Berumen, Assistant Executive Officer  
Beth Scott, Deputy Chief, Discipline, Probation & Diversion  
Carol Stanford, Diversion Program Manager

The Chair called the meeting to order at approximately 2:15 p.m.

### **8.0 REVIEW AND APPROVE MINUTES:**

Approve/Not Approve: Minutes of August 29, 2012

**M/S/C: Motion by Michael Jackson, Second by Cynthia Klein, Committee approves August 29, 2012 meeting minutes.**

### **8.1 Complaint Intake and Investigations Update**

#### **PROGRAM UPDATE**

##### **Staff**

**Complaint Intake:** Due to position reallocations, we now have two Enforcement NEC positions. Efforts to recruit for these positions remain unsuccessful as we are not competitive with monetary compensation. We are looking at ways to increase our hiring pool and will continue to advertise and recruit for these positions.

We recently hired one OT, to replace the OT who transferred to the Investigations Unit. She will join the Complaint Intake Unit on October 31. One of our OTs is out for an unspecified period of time. With the temporary reduction in support staff, we have had to reallocate some of the workload to the SSAs.

Our SSAs are now back to full staff after one recently returned from a three month leave.

We were given a permanent, part-time AGPA position from the Licensing Unit who has joined us as a case analyst.

Investigations: Northern – All positions are currently filled, however, we will have a Special Investigator vacancy in the near future.

Southern – We are still in the process of recruiting for the remaining special investigator position for the San Diego area.

As part of the required cutbacks, our retired annuitant Special Investigator will be leaving us on December 31. Due to the difficulty in recruiting qualified candidates, we are requesting an extension to keep her until the end of the fiscal year. If we are unsuccessful, we will begin recruiting to backfill that position in the near future for the North LA area.

### **Program - Complaints**

Complaint Intake – Since support staff is operating at 50% capacity, it has slowed the transmission of conviction cases to the analysts. We have, however, cleared the backlog of older complaints and have very few pending prior to 2012. All older cases are pending court completion dates.

Applicants for Licensure – In October of 2011, a letter went to all nursing program directors in California with instructions on how they could help improve application processing times for students with enforcement issues. Since that time, the need for follow-up letters requesting additional documentation has been reduced by 35-40%, further aiding us with our turnaround times. Applications with complete documentation are turned around within one week. Louise Bailey met with the school directors on October 3, 2012 and redistributed the letter to those who did not receive it last year. The letter was also included in a mass mailing to all school directors, along with the 2012 New Directors Handbook.

We are conducting regular planning sessions to tighten up and streamline internal procedures with the goal of having desk manuals for each job classification by the end of the year.

One of our SSAs, is devoting at least half of her time participating in the BreZe User Acceptance Testing and Data Verification. She has completed five of six data validations and has nearly completed the sixth which required corrections to over 3,200 error records. She has received kudos from OIS for her diligence and thoroughness in testing and the method she uses to document her findings.

Due to the increasing numbers of fraudulent transcripts being submitted with licensing applications, the BRN is working closely with other governmental agencies to assist us in completing our investigations.

Nursys – Alerts for out of state discipline are received daily through Nursys.

### **Program - Investigations**

Supervisors continue to work with their investigators on case plans, interview techniques, data gathering, subpoenas, and report writing templates to streamline the investigative process.

We continue to utilize the resources and expertise of DOI for cases that meet their investigation criteria, as well as those that are prioritized as high or urgent. The investigations management team met with Daryl Walker, DOI Chief, David Chriss, Deputy Chief, and Stephanie Whitley, Manager of Case Intake Unit on September 20, 2012 to make introductions of new staff and update one another on the status and concerns of the respective organizations. DOI remains very supportive of our investigation efforts and has offered to accommodate our investigators with interview rooms at the DOI offices throughout the state and to assist us with random drug testing, as needed. Details are being worked out as to how to procedurally handle the drug testing issue.

We plan to present BRN investigations statistics in upcoming DDC and Board updates to give a better idea of how the unit is performing by North, South, and the unit overall, at a minimum, as follows:

BRN Investigation Unit	North	South	Unit Overall
Total cases assigned			
Total cases unassigned (pending)			
Average investigator case load			
Average number of days to case completion			
Average cost per case			

Our Supervising Special Investigator for So Cal, is presenting the Report Writing module for the Enforcement Academy October 29-November 2, 2012.

Our Supervising Special Investigator and her Special Investigators are meeting with Kaiser Legal on November 6, 2012 to streamline the process for requesting and obtaining documents with signed releases and subpoenas, as well as to give an overview of the unit and introduce staff.

### **Statistics**

For the first quarter of fiscal year 2012/13, we received 2,115 complaints. Projected out, it is estimated we will receive approximately 8,460 complaints by the end of this fiscal year. As of October 16, 2012, there are 751 pending DOI investigations and 307 pending BRN investigations.

Please review the enforcement statistics reports in 8.3 for additional breakdown of information.

## **8.2 Discipline and Probation Update**

### **PROGRAM UPDATE**

#### **Staff**

The Probation Unit is fully staffed

Two of the probation monitors are working with the BreZE project verifying data and conducting user acceptance testing in preparation of the Go Live date for the new system.

The Discipline Unit is fully staffed.

The Discipline and Probation Program loses 160 hours per month of staff time due to state mandated furloughs.

### **Program – Discipline**

Discipline will continue to audit charges from the AGs offices to determine if the BRN is being charged appropriately. Our BRN research analyst also reviews AG charges seeking out anomalies for review. The Governor signed legislation which limits billing disputes with the AG's office to 45 days after a bill has been submitted for payment by an agency.

Due to the abundance of cases that have been referred to the AGO, we have used 43% of our allotted budget for the fiscal year.

We have run statistics on our cases that are referred to the AG's office to assist us in our case movement efficiencies. Below are the averages, per case, from the time it is transferred to the AG until the pleading is received by the Board.

Fiscal Year	2009	2010	2011	2012
Average # of Days to Receive a Pleading	160	118	112	97

The Legal Support Analyst started preparing default decisions for the Sacramento Office effective October 1, 2012. The Legal Support Analyst has been working under the direction of DCA Legal Counsel to prepare default decisions for the Oakland and San Francisco AG Offices for approximately two years. We will continue to work with the AG to expand this process to include the San Diego and Los Angeles offices.

Two Discipline Analysts continue to work with the BreEZe project to become trainers for all DCA Boards and Bureaus when the project goes live. BreEZe is in the "train the trainer" phase which will take a substantial amount of time from the office when training starts on October 29, 2012, through the end of this year.

Our Legal Support Analyst and other staff have been busy processing the back log of Decisions. As of 10/12/12:

Decisions Adopted by Board	506
Pending Processing by legal support staff	61

Staff continues to increase its usage of citation and fine as a constructive method to inform licensees and applicants of violations which do not rise to the level of formal disciplinary action.

The BRN continues to issue citations for address change violations pursuant to the California Code of Regulations §1409.1. To date we have ordered \$13,900 for failure to update address change citations.

We are continuing to evaluate the records for RNs that have a social security number that is issued to more than one RN in violation of Business and Professions Code §30. To date we have ordered \$12,500 for failure to provide valid social security number citations.

We have issued more citations and received more payments than any time in BRN history.

Citation information below reflects the work for November 2011 through October 12, 2012.

Number of citations issued	581
Total fines ordered	\$323,325.00
Fines paid	\$151,916.67
Citations pending issuance	281+

The Discipline Unit continues to work on the NURSYS discipline data comparison project (SCRUB). The status of the documents reviewed:

Referred to the Attorney General	602
Pleadings Received	495
Default Decisions Effective	206
Stipulated Decisions Effective	136
Referred to Cite and Fine	60
Closed Without Action (Action taken by CA (prior to 2000) but not reported to Nursys or information approved at time of licensure)	822

#### **Program – Probation**

Two Probation Monitors continue to work with the BreZE project to run test scripts before the project goes live. BreZE begins the official UAT test phase beginning October 26, 2012, which will take additional time from the office for completion of the test phase.

#### **AG COSTS:**

As of September 27, 2012, the BRN has expended \$1,107,460 at the AG's office on the NURSYS SCRUB cases.

#### **Statistics - Discipline**

As of October 12, 2012, there are approximately 1,626 discipline cases pending at the AG's office which continues to remain at a very high level.

Please review additional statistical information which can be found under item 8.3.

#### **Statistics – Probation**

Below are the statistics for the Probation program from July 1, 2012 to October 31, 2012

Probation Data	Numbers	% of Total
Male	168	24%
Female	543	76%
Chemical Dependency	368	51%
Practice Case	207	30%
Mental Health	1	<1%
Conviction	135	19%
Advanced Certificates	72	8%
Southern California	366	51%
Northern California	345	49%

Pending at the AG	74	10%
License Revoked	3	<1%
License Surrendered	13	<1%
Terminated	2	<1%
Completed	2	<1%
Total in-state probationers	711	

### **8.3 Enforcement Statistics Update**

The committee reviewed the statistics for the Enforcement Division.

### **8.4 Diversion Program Update and Statistics**

#### **Program Update**

The Program Manager, Carol Stanford and the Maximus Project Director, Virginia Matthews presented at an educational seminar to hospital senior staff of three different hospitals, Montclair Hospital, Chino Valley Medical Center and San Dimas Community Hospital on September 13, 2012, in Monrovia, CA. Staff indicated the information was sorely needed as some senior staff was unaware of the program. The information was well received.

On September 25, 2012, representatives from Hazelden, Springbrook presented information regarding their treatment centers and access to treatment they provide to Maximus, BRN and DCA Diversion Program Staff.

On December 4, 2012, a Nurse Support Group Conference will be held in Emeryville, California to train NSG facilitators about requirements and expectations. There will also be a DEC member orientation on December 5, 2012, at the same location. Dr. Mihran Ask will present information regarding pain management and drug addiction.

#### **Contractor Update**

Throughout the year DCA contract and legal staff along with the DPC (Diversion Program Committee) have met with Maximus to work on amendment language for the upcoming Diversion Program Contract.

#### **Diversion Evaluation Committees (DEC)**

There is currently one vacancy as follows: one RN member. This vacancy will be filled if the new applicant is approved.

#### **Statistics**

The Statistical Summary Report for August and September, 2012 is attached. As of September 30, 2012, there were 1,705 successful completions.

#### **8.4.1 Diversion Evaluation Committee Member Appointments & Reappointments**

**NOTE: 8.4.1, 8.4.2, AND 8.4.3 were considered and action was taken as one item.**

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the

Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in substance use and abuse disorders and/or mental health.

## **APPOINTMENTS**

Below are the names of candidates who were interviewed and are being recommended for appointment to the DEC. Their applications and résumés are attached. If appointed, their terms will expire November 30, 2016.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Marilyn Dray	RN Member	Oakland	13

## **TRANSFERS**

Below are the names of DEC members who would like to transfer from their appointed DEC to other DEC's for various reasons.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Sharon Fritz	RN	Santa Ana	14
Tonia Jones	RN	San Diego	10
Patricia Mraz	RN	Santa Ana	14

**Approve/Not Approve:** Appointment and transfer of Diversion Evaluation Committee Members

**M/S/C: Committee recommends board approve appointment.**

## **INFORMATION ONLY:**

Diversion Evaluation Committee Member Resignation for personal reasons.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Christopher Schaal	RN	Oakland	13

## **8.5 Substance Abuse Training and Information**

### **Substance Abuse Disorder Information and Training**

The Board of Registered Nursing will be conducting another training regarding RN and Substance Use Disorders and Pain Management. There is a continual need for information and training in these areas as it relates to RNs. Lack of education about the addictive process and recognizing signs and symptoms remains one of the more profound risk factors for nurses. (NCSBN 2011).

Additionally, workplace risk factors can predispose nurses to developing substance abuse and addiction and substance abuse has been cited as an occupational hazard for those in the health care field (Brooke, Edwards & Taylor, Naegle, 1988) The ready availability of medications is an occupational hazard. Professional training involving powerful medications lead to an acceptance



of self-diagnosing and self-medicating for physical pain or stress to enable the nurse to continue work. The work schedule and other job demands create adverse states, such as stress and fatigue that can lead to viewing drug use as a coping mechanism or solution. (Clark & Farnsworth, 2006)

Dr. Stephen Grinstead, LMFT, ACRPS, CAADAC, who is the author of the book "Freedom from Suffering: A Journey of Hope" as well as several other chronic pain management books is an internationally recognized expert in preventing relapse related to chronic pain disorders . He has also developed the Addiction-Free Pain Management® System and has been working with pain management, addictive disorders and coexisting mental and personality disorders for over twenty-eight years. He will be providing a brief training at the next Board meeting to be held on November 28, 2012.

#### **8.6 Public Comment for Items Not on the Agenda**

No public comments received.

The Chair adjourned the committee meeting at approximately 3:10 p.m.

Approved: \_\_\_\_\_

**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM: 8.1**

**DATE: January 9, 2013**

**ACTION REQUESTED:** Information Only: Complaint Intake and Investigations Update

**REQUESTED BY:** Stacie Berumen, Assistant Executive Officer

**BACKGROUND:**

**PROGRAM UPDATE**

**Staff**

Complaint Intake: We are currently fully staffed, with the exception of two NEC positions that will cover the entire Enforcement Division. We have had difficulty filling these but plan to re-advertise the positions in the near future.

Investigations: Northern – We hired one Special Investigator position for the Fresno/Bakersfield region. She will be starting on January 22, 2013.

Southern – We hired one Special Investigator for the North LA area, also starting on January 22, 2013 and are in the final stages of filling one for the San Diego area. There will be another Special Investigator position opening in the near future for the LA/Orange County area.

Due to the number of So Cal cases and the difficulty in recruiting qualified Special Investigator candidates, we were approved to keep our retired annuitant until the end of the fiscal year.

**Program - Complaints**

Complaint Intake – We have cleared the backlog of older conviction complaints and have very few pending prior to September 2012. Those pending are due to court continuances.

Applicants for Licensure – Following the second letter given to nursing program directors in October 2012, we have now seen a reduction in follow-up letters of 45-50%. We will continue to work with the schools to urge applicants to include arrest records and full court dockets with their applications. Applications with complete documentation are reviewed and returned to Licensing within one week.

We continue to tighten up and streamline internal procedures with the goal of having desk manuals for each job classification.

Two of our employees are participating in the BreEZe user acceptance testing. The Enforcement division is scheduled to begin training the first week in January 2013, with a tentative BreEZe go live date of February 19, 2013. With implementation of a new computer application, we expect productivity to decline somewhat as system bugs need to be worked out and procedures are changed to accommodate the new system.

Due to the increasing numbers of fraudulent transcripts being submitted with licensing applications, the BRN is working closely with other governmental agencies to assist us in completing our investigations.

Nursys – Alerts for out of state discipline are received daily through Nursys.

The Complaint Intake Manager and Kathy Hodge trained the new board member, Jeanette Dong, on the Complaint Intake unit and complaint processing.

#### Investigations

Supervisors continue to work with their investigators on case plans, interview techniques, data gathering, subpoenas, and report writing templates to streamline the investigative process. The investigative management team continues to work on standardizing policies, procedures, and forms.

We continue to utilize the resources and expertise of DOI for cases that meet their investigation criteria, as well as those that are prioritized as high or urgent.

The Northern area Supervising Special Investigator and Kathy Hodge met with James Ackley, DOI Central Division Supervisor, on December 5, 2012 to make introductions and update one another on the status and concerns of the respective organizations. Both of our organizations are having difficulty obtaining documents from Kaiser Permanente without issuing a subpoena, particularly in the North. The AG's office is working with Kaiser Legal to define a process in which we will not incur lengthy delays of as much as four months. DOI remains very supportive of our investigation efforts and has offered to accommodate our investigators with interview rooms at the DOI offices throughout the state.

We are working with DOI to determine procedurally the best way to handle drug testing, should it be required during our investigations. We will be looking into contracting with a testing lab. In preparation for future drug detection and testing, So Cal staff and management are scheduled to attend Advanced Roadside Impaired Driving Enforcement (ARIDE) training given free through the California Highway Patrol on January 29-30, 2013 in Chino, CA. Since training is readily available in the Sacramento area, No Cal staff and management will attend a similar free class once procedures are in place to perform drug testing.

Eight special investigators and Northern management staff attended a training provided by DOI on Interviewing Techniques held on November 29, 2012.

The Northern Supervising Special Investigator and Kathy Hodge trained the new board member, Jeanette Dong, on the investigation unit and issues we are facing.

We plan to present BRN investigations statistics at the March DDC meeting to give a better idea of how the unit is performing as follows:

BRN Investigation Unit	Jan 2013	Feb 2013	Mar 2013	Apr 2013	May 2013
Total cases assigned					
Total cases unassigned (pending)					
Average days to case completion					
Average cost per case					
Cases closed					

**NOTE:** Coding clean up in our tracking systems was completed this month. In reference to the attached performance measurements, it should be noted that investigation timeframes for BRN investigations reflects nearly two years' time when cases were being held while the new unit was being formed and staffed. Although the unit was established in July of 2011, all current special investigators, with the exception of one, and the management staff were not hired until well after January 2012. Due to the prolonged training requirements, loss of staff and case reassignments, productivity did not reach a desirable level until approximately October of 2012.

**Statistics**

For fiscal year 2012/13, as of November 30, 2012, we received 3,275 complaints. Projected out, it is estimated we will receive approximately 7,900 complaints by the end of this fiscal year. As of November 30, 2012, there are 702 pending DOI investigations; there are 206 assigned and 232 unassigned (pending) BRN investigations.

Please review the enforcement statistics reports in 8.3 for additional breakdown of information.

**NEXT STEP:**

Continue filling vacant positions. Continue to review and adjust internal processes and monitor statistics for improvement in case processing time frames. Follow directions given by committee and/or board.

**FINANCIAL IMPLICATION, IF ANY:**

None at this time. Updates will be provided at each DDC meeting for review and possible action.

**PERSON TO CONTACT:**

Kathy Hodge, Deputy Chief, Complaints and Investigations  
(916) 574-7678

**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM: 8.2**

**DATE: January 9, 2013**

**ACTION REQUESTED:** Information Only: Discipline and Probation Update

**REQUESTED BY:** Stacie Berumen, Assistant Executive Officer

**BACKGROUND:**

**PROGRAM UPDATE**

**Staff**

The Probation Unit is fully staffed with six monitors and one Office Technician (OT).

The Discipline Unit has a vacant OT position and is currently in the process of interviewing.

The Discipline and Probation Program loses 160 hours per month of staff time due to state mandated furloughs.

**Program – Discipline**

Discipline will continue to audit charges from the Attorney General's (AG) offices to determine if the BRN is being charged appropriately. Our BRN research analyst also reviews AG charges seeking out anomalies for review. The Governor signed legislation which limits billing disputes with the AG's office to 45 days after a bill has been submitted for payment by an agency.

The total amount of open discipline cases are 1,839 with an average case load per analyst at 367. There are approximately 1,822 cases at the AG's office.

The Legal Support Analyst started preparing default decisions for the Sacramento Office effective October 1, 2012. The Legal Support Analyst has been working under the direction of DCA Legal Counsel to prepare default decisions for the Oakland and San Francisco AG Offices for approximately two years. We will continue to work with the AG to expand this process to include the San Diego and Los Angeles offices.

Two Discipline Analysts continue to work with the BreEZe project to become trainers for all DCA Boards and Bureaus when the project goes live. The "train the trainer" phase began on December 3, and continued through December 20<sup>th</sup>. BreEZe training for staff members will begin on January 7<sup>th</sup> and will continue until February 8<sup>th</sup>, with a substantial time commitment for the participants.

Our Legal Support Analyst and staff have been busy processing Decisions. For fiscal year 2013 (July 1, 2012 through December 24, 2012):

Decisions Adopted by Board	665
Pending Processing by legal support staff	24

Staff continues to increase its usage of citation and fine as a constructive method to inform licensees and applicants of violations which do not rise to the level of formal disciplinary action.

The BRN continues to issue citations for address change violations pursuant to the California Code of Regulations §1409.1. To date we have ordered \$26,700 for failure to update address change citations. The BRN website was updated with a reminder of the address change requirement.

We continue to evaluate the records for RNs that have a social security number that is issued to more than one RN in violation of Business and Professions Code §30. To date we have ordered \$15,000 for failure to provide valid social security number citations.

We have issued more citations and received more payments than any time in BRN history.

Citation information below reflects the work for fiscal year 2013 (July 1, 2012 through December 24, 2012).

Number of citations issued	406
Total fines ordered	\$136,275.00
Fines paid (amounts include payments from fines issued in prior fiscal year)	\$161,147.00
Citations pending issuance	200+

The Discipline Unit continues to work on the NURSIS discipline data comparison project (SCRUB). The status of the documents reviewed:

Referred to the Attorney General	649
Pleadings Received	519
Default Decisions Effective	212
Stipulated Decisions Effective	156
Referred to Cite and Fine	62
Closed Without Action (Action taken by CA (prior to 2000) but not reported to Nursys or information approved at time of licensure)	899

### **Program – Probation**

Staff attended the Nurse Facilitator Meeting held by Maximus in Emeryville on December 4, 2012. The Facilitator's were receptive to the probation monitors and the information provided. Positive feedback was received from the facilitators that they have a better understanding of the probation program.

The Probation Unit met with a representative from FirstLab for training on the new format available from the system for chemical dependency drug screening. The unit also attended a Webinar on "Ethanol Biomarkers" on December 13, 2012, for assistance with analyzing positive drug screens. The AG's office was invited to the webinar to assist with the processing of our pleadings.

The case load per probation monitor is approximately 124.

**AG COSTS:**

As of December 24, 2012, the BRN has expended \$1,238,282 at the AG's office on the NURSYS SCRUB cases.

**Statistics - Discipline**

Please review additional statistical information which can be found under item 8.3.

**Statistics – Probation**

Below are the statistics for the Probation program from July 1, 2012 to December 20, 2012

Probation Data	Numbers	% of Active
Male	179	24%
Female	559	76%
Chemical Dependency	385	52%
Practice Case	213	28%
Mental Health	1	>1%
Conviction	139	19%
Advanced Certificates	72	9%
Southern California	377	51%
Northern California	361	49%
Pending with AG/Board	74	10%
License Revoked	14	2%
License Surrendered	38	5%
Terminated	3	>1%
Completed	15	2%
<b>Active in-state probationers</b>	<b>738</b>	
Completed/Revoked/Terminated/ Surrendered	23	
<b>Tolled Probationers</b>	<b>218</b>	

**NEXT STEP:**

Follow directions given by committee and/or board.  
Regain ability to prepare all default decisions.

**FINANCIAL IMPACT, IF ANY:**

AG's budget line item will be closely monitored.  
Updates will be provided at each DDC meeting for review and possible action.

**PERSON TO CONTACT:**

Beth Scott, Deputy Chief of Discipline, Probation, and Diversion  
(916) 574-8187

**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM:** 8.3  
**DATE:** January 9, 2013

**ACTION REQUESTED:** Information Only: Enforcement Division Statistics

**REQUESTED BY:** Stacie Berumen, Assistant Executive Officer

**BACKGROUND:**

Attached you will find statistics for the Enforcement Division. Please review the information provided.

**NEXT STEP:** Updates will be provided to the committee and board at each meeting. Follow directions given by committee and/or board.

**FINANCIAL IMPLICATION, IF ANY:** None at this time

**PERSON TO CONTACT:** Kathy Hodge, Deputy Chief of Complaint Intake and Investigations  
(916) 574-7678

Beth Scott, Deputy Chief of Discipline, Probation and Diversion  
(916) 574-8187



BOARD OF REGISTERED NURSING  
ENFORCEMENT MEASURES  
FOR ALL IDENTIFIERS  
07/01/2012 THRU 11/30/2012

COMPLAINT INTAKE

COMPLAINTS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
RECEIVED	158	401	308	204	149	1220
CLOSED W/O INV ASSIGNMENT	32	44	26	48	54	204
ASSIGNED FOR INVESTIGATION	101	349	298	185	154	1087
AVG DAYS TO CLOSE OR ASSIGN	22	6	10	49	23	19
PENDING	150	158	142	113	54	54
CONVICTIONS/ARREST REPORTS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
RECEIVED	510	406	360	400	380	2056
CLSD/ASSGND FOR INVESTIGATION	497	338	401	399	424	2059
AVG DAYS TO CLOSE OR ASSIGN	4	8	9	14	10	9
PENDING	73	141	100	101	57	57
TOTAL INTAKE	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
RECEIVED	668	807	668	604	529	3276
CLOSED W/O INV ASSIGNMENT	50	49	33	66	65	263
ASSIGNED FOR INVESTIGATION	580	682	692	566	567	3087
AVG DAYS TO CLOSE OR ASSIGN	8	7	10	27	15	13
PENDING	223	299	242	214	111	111

BOARD OF REGISTERED NURSING  
ENFORCEMENT MEASURES  
FOR ALL IDENTIFIERS  
07/01/2012 THRU 11/30/2012

INVESTIGATIONS

DESK INVESTIGATIONS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
ASSIGNMENTS	581	679	693	565	566	3084
CLOSED	648	694	698	906	791	3737
AVERAGE DAYS TO CLOSE	162	139	145	137	117	139
PENDING	3396	3305	3245	2804	2518	2518
FIELD INVESTIGATIONS:NON-SWORN	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
ASSIGNMENTS	8	23	30	44	15	120
CLOSED	14	2	12	10	19	57
AVERAGE DAYS TO CLOSE	988	766	694	726	634	754
PENDING	458	478	496	529	525	525
FIELD INVESTIGATIONS:SWORN	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
ASSIGNMENTS	46	53	23	63	47	232
CLOSED	78	66	73	71	68	356
AVERAGE DAYS TO CLOSE	642	590	576	644	697	630
PENDING	796	788	738	725	705	705
ALL INVESTIGATIONS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
FIRST ASSIGNMENTS	581	682	693	566	567	3089
CLOSED	740	762	783	987	878	4150
AVERAGE DAYS TO CLOSE	228	180	194	179	173	189
PENDING	4650	4571	4479	4058	3748	3748
ALL INVESTIGATIONS AGING	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
UP TO 90 DAYS	405	423	429	533	493	2283
91 TO 180 DAYS	59	91	106	161	148	565
181 DAYS TO 1 YEAR	99	107	72	137	89	504
1 TO 2 YEARS	123	96	128	105	113	565
2 TO 3 YEARS	38	42	40	32	25	177
OVER 3 YEARS	16	3	8	18	10	55
CLOSED W/O DISCIPLINE REFERRAL	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
CLOSED	538	572	575	746	662	3093
AVERAGE DAYS TO CLOSE	166	138	135	138	129	140

BOARD OF REGISTERED NURSING  
ENFORCEMENT MEASURES  
FOR ALL IDENTIFIERS  
07/01/2012 THRU 11/30/2012

ENFORCEMENT ACTIONS

AG CASES	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
AG CASES INITIATED	145	146	164	194	178	827
AG CASES PENDING	1510	1474	1544	1662	1752	1752
SOIs/ACCUSATIONS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
SOIs FILED	13	13	7	18	10	61
ACCUSATIONS FILED	71	48	75	107	80	381
SOI DECISIONS/STIPS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
PROP/DEFLT DECISIONS	8	9	4	1	3	25
STIPULATIONS	0	14	7	10	7	38
ACC DECISIONS/STIPS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
PROP/DEFLT DECISIONS	35	74	14	18	15	156
STIPULATIONS	47	56	57	26	48	234
SOI DISCIPLINARY ORDERS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
SOI FINAL ORDERS (DEC/STIPS)	8	23	11	11	10	63
AVERAGE DAYS TO COMPLETE	611	539	549	513	593	554
ACC DISCIPLINARY ORDERS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
ACC FINAL ORDERS (DEC/STIPS)	82	130	71	44	63	390
AVERAGE DAYS TO COMPLETE	757	728	864	829	826	786
TOTAL DISCIPLINARY ORDERS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
TOTAL FINAL ORDERS (DEC/STIPS)	90	153	82	55	73	453
TOTAL AVERAGE DAYS TO COMPLETE	744	700	822	766	794	754
TOTAL ORDERS AGING	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
UP TO 90 DAYS	0	0	0	0	0	0
91 TO 180 DAYS	0	0	0	0	0	0
181 DAYS TO 1 YEAR	5	12	3	7	8	35
1 TO 2 YEARS	50	90	35	21	29	225
2 TO 3 YEARS	24	30	30	15	21	120
OVER 3 YEARS	11	21	14	12	15	73
SOIs WDRWN DSMSSD DCLND	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
SOIs WITHDRAWN	0	2	1	3	0	6
SOIs DISMISSED	0	0	0	0	0	0
SOIs DECLINED	0	0	0	0	0	0
AVERAGE DAYS TO COMPLETE	0	222	333	474	0	366
ACCUSATIONS WDRWN DSMSSD DCLND	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
ACCUSATIONS WITHDRAWN	0	2	1	2	0	5
ACCUSATIONS DISMISSED	0	0	0	1	0	1
ACCUSATIONS DECLINED	1	1	5	7	4	18
AVERAGE DAYS TO COMPLETE	901	1014	563	432	550	577

NO DISCIPLINARY ACTION	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
CLOSED W/O DISCIPLINARY ACTION	1	1	0	5	7	14
AVERAGE DAYS TO COMPLETE	51	662	0	402	355	372
 CITATIONS	 JUL-12	 AUG-12	 SEP-12	 OCT-12	 NOV-12	 YTD
FINAL CITATIONS	37	77	95	115	75	399
AVERAGE DAYS TO COMPLETE	571	258	167	152	177	219
 OTHER LEGAL ACTIONS	 JUL-12	 AUG-12	 SEP-12	 OCT-12	 NOV-12	 YTD
INTERIM SUSP ORDERS ISSUED	0	0	0	2	0	2
PC 23 ORDERS ISSUED	1	3	0	1	1	6

PERFORMANCE MEASURES

	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	YTD
PM1: COMPLAINTS VOLUME	158	401	308	204	149	1220
PM1: CONV/ARREST RPRTS VOLUME	510	406	360	400	380	2056
PM2: CYCLE TIME-INTAKE	8	7	10	27	15	13
PM3: CYCLE TIME-NO DISCIPLINE	166	138	135	138	129	140
PM4: CYCLE TIME-DISCIPLINE	736	700	822	736	756	743

PM1: COMPLAINTS VOLUME - PM1: CONV/ARREST RPRTS VOLUME

Number of Complaints and Convictions/Arrest Orders Received within the specified time period.

PM2: CYCLE TIME-INTAKE

Average Number of Days to complete Complaint Intake during the specified time period.

PM3: CYCLE TIME-NO DISCIPLINE

Average Number of Days to complete Complaint Intake and Investigation steps of the Enforcement process for Closed Complaints not resulting in Formal Discipline during the specified time period.

PM4: CYCLE TIME-DISCIPLINE

Average Number of Days to complete the Enforcement process (Complaint Intake, Investigation, and Formal Discipline steps) for Cases Closed which had gone to the Formal Discipline step during the specified time period.

**CALIFORNIA BOARD OF REGISTERED NURSING  
ENFORCEMENT STATISTICS**

November 30, 2012

STATISTICAL DESCRIPTION	2008-09	2009-10	2010-11	2011-12	2012-13*	Projected FY 2012-13
<b>Complaints Received</b>	5,794	7,483	7,977	7,844	3,276	7,862
<b>Consumer Complaints</b>	3,323	2,190	3,063	2,735	1,220	2,928
<b>Convictions/Arrests</b>	2,471	5,293	4,914	5,109	2,056	4,934
<b>Referred to Diversion Program</b>	400	604	368	1,053	289	694
<b>Division of Investigation (Sworn)-Assigned</b>	582	484	835	693	232	557
<b>Division of Investigation Closed</b>	748	1,015	716	648	356	854
<b>Division of Investigation Pending</b>	1,170	641	789	851	703	
<b>BRN Investigations (Non Sworn)-Assigned</b>		58	33	298	120	288
<b>BRN Investigations Closed</b>		14	53	27	57	137
<b>BRN Investigations Pending</b>		40	25	280	525	
<b>BRN Desk Investigations Assigned</b>	5,650	7,865	7,409	7,204	3,084	7,402
<b>BRN Desk Investigations Closed</b>	3,519	7,116	6,668	5,925	3,749	8,998
<b>BRN Desk Investigations Pending</b>	1,677	1,887	2,137	3,029	2,506	
<b>Criminal Actions Filed</b>	22	21	16	9	1	2
<b>Total Cite and Fine Citations Issued</b>	115	181	105	412	399	958
<b>Referred to Attorney General</b>	515	766	1,190	944	827	1,985
<b>Cases Pending at Attorney General</b>	692	838	1,198	1,448	1,721	
<b>Petitions to Revoke Probation Filed</b>	59	91	61	55	23	55
<b>Accusations Filed</b>	359	696	913	589	381	914
<b>Statements of Issues Filed</b>	14	13	52	132	61	146
<b>Total Pleadings</b>	432	800	1,026	776	465	1,116
<b>Orders to Compel Examination (Sec. 820)</b>	4	4	10	12	6	14
<b>Interim Suspension Order</b>	2	8	1	0	1	2
<b>PC23</b>	8	6	7	8	6	14
<b>Applicant Disciplinary Actions:</b>						
(a) License Denied	15	27	55	72	29	70
(b) License Issued on Probation	4	9	14	43	43	103
<b>Total, Applicant Discipline</b>	19	36	69	115	72	173
<b>Licensee Disciplinary Actions:</b>						
(a) Revocation	131	243	273	227	127	305
(b) Probation	139	176	267	225	141	338
(c) Suspension/Probation	6	1	6	3	1	2
(d) License Surrendered	79	92	155	128	93	223
(e) Public Reprimand/Reproval	8	12	37	79	26	62
(f) Decisions Other	5	2	5	3	2	5
<b>Total, Licensee Discipline</b>	368	526	743	665	390	936
<b>Process Used for Discipline (licensees)</b>						
(a) Administrative Hearing	56	58	102	121	55	132
(b) Default Decision	105	206	217	183	101	242
(c) Stipulation	207	262	424	361	234	562
<b>Total</b>	368	526	743	665	390	936

\*Fiscal Year to Date

**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM: 8.4**  
**DATE: January 9, 2013**

**ACTION REQUESTED:** Information Only: Diversion Program Update

**REQUESTED BY:** Stacie Berumen, Assistant Executive Officer

**BACKGROUND:**

**Program Update**

The Diversion Program Manager and staff conducted interviews to fill the vacant Office Technician Position. There is a growing backlog of complaints as a result of lack of staff and furlough hours. Staff diligently works to process the numerous complaints received in addition to maintaining other responsibilities.

On December 4, 2012, a Nurse Support Group (NSG) Facilitator Conference was held in Emeryville, California to educate new and existing NSG facilitators about the Board of Registered Nursing's (BRN) requirements and expectations as it relates to their groups. There were 37 in attendance including 27 NSG facilitators. Mihran Ask, MD, an addictionologist, presented the latest information regarding pain management and drug addiction. The facilitators surveyed indicated the information was necessary, well received and very appreciative of the BRN and contractor for the conference.

A Diversion Evaluation Committee (DEC) member orientation was held on December 5, 2012, in Emeryville, California. This was the largest DEC member orientation held by the BRN with 9 new DEC members in attendance. The DEC members were educated on their responsibilities and instructed as to the BRN requirements and obligations to RNs in need of direction and support in recovery. Emphasis was placed on the protection of the public and the responsibility of the DEC members. Mihran Ask, MD presented extensive training on pain management and drug addiction.

Completed surveys show DEC members have over 500 years of substance abuse disorder and/or mental health experience. These healthcare professionals and staff are commended and acknowledged for their continued dedication in the field of addiction and mental health.

**Contractor Update**

Maximus and the BRN have been working with DCA legal throughout the year regarding the DCA contract and necessary updates to drug testing protocols and up to date technology. Virginia Matthews, Program Director, will present Maximus' 2012 year-end summary.

**Diversion Evaluation Committees (DEC)**

There is currently one physician vacancy at this time. Recruitment efforts continue.

**Statistics**

The Statistical Summary Report for October and November, 2012 is attached. As of November 30, 2012, there were 1,730 successful completions.

**NEXT STEP:**

None

**FINANCIAL IMPLICATION, IF ANY:**

None at this time. Updates will be provided at each DDC meeting for review and possible action.

**PERSON TO CONTACT:**

Carol Stanford, Diversion Program Manager  
(916) 574-7616



**BOARD OF REGISTERED NURSING  
DIVERSION PROGRAM  
STATISTICAL SUMMARY  
October 1, 2012 - November 30, 2012**

	CURRENT MONTHS	YEAR TO DATE (FY)	PROGRAM TO DATE
<b>INTAKES COMPLETED</b>	39	85	4,539
<b>INTAKE INFORMATION</b>			
Female	33	71	3,556
Male	6	14	956
Unknown	0	0	27
Average Age	40-54		
Most Common Worksite	Hospital		
Most Common Specialty	ER/Med-Surg		
Most Common Substance Abused	Alcohol/Norco		
<b>PRESENTING PROBLEM AT INTAKE</b>			
Substance Abuse (only)	20	38	2,914
Mental Illness (only)	1	2	149
Dual Diagnosis	18	41	1,425
Undetermined	0	4	51
<b>REFERRAL TYPE*</b>			
Board	22	62	3,265
Self	17	23	1,274
*May change after Intake			
<b>ETHNICITY (IF KNOWN) AT INTAKE</b>			
American Indian/Alaska Native	0	1	32
Asian/Asian Indian	1	4	96
African American	0	1	140
Hispanic	4	8	178
Native American/Pacific Islander	0	0	19
Caucasian	33	70	3,744
Other	1	1	64
Not Reported	0	0	266
<b>CLOSURES</b>			
Successful Completion	25	61	1,730
Failure to Derive Benefit	1	1	116
Failure to Comply	2	5	943
Moved to Another State	0	0	51
Not Accepted by DEC	0	0	47
Voluntary Withdrawal Post-DEC	1	3	306
Voluntary Withdrawal Pre-DEC	1	6	449
Closed Public Risk	3	4	250
No Longer Eligible	1	3	13
Clinically Inappropriate	1	4	16
Client Expired	0	0	38
Sent to Board Pre-DEC	0	0	1
<b>TOTAL CLOSURES</b>	35	87	3,960
<b>NUMBER OF PARTICIPANTS: 452 (as of November 30, 2012)</b>			

**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM:** 8.4.2

**DATE:** January 9, 2013

**ACTION REQUESTED:** Information Only: Diversion Evaluation Committee Transfer

**REQUESTED BY:** Stacie Berumen, Assistant Executive Officer

**BACKGROUND:**

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in chemical dependency and/or mental health.

**TRANSFER**

Below is the name of the DEC member who would like to transfer from his appointed DEC to another DEC for personal reasons.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Scott Reiter, MD	Physician	Ontario	9

**NEXT STEP:** Continue recruiting efforts

**FINANCIAL IMPLICATION, IF ANY:** None at this time

**PERSON TO CONTACT:** Carol Stanford, Diversion Program Manager  
(916) 574-7616

**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM:** 8.4.3

**DATE:** January 9, 2013

**ACTION REQUESTED:** Information Only: Diversion Evaluation Committee Resignation

**REQUESTED BY:** Stacie Berumen, Assistant Executive Officer

**BACKGROUND:**

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in chemical dependency and/or mental health.

**RESIGNATION**

Diversion Evaluation Committee Member Resignation for personal reasons.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
David Silverman, PhD.	Public	San Jose	7

**NEXT STEP:** Continue recruiting efforts

**FINANCIAL IMPLICATION, IF ANY:** None at this time

**PERSON TO CONTACT:** Carol Stanford, Diversion Program Manager  
(916) 574-7616